

**REMARKS**

Reconsideration of this application is respectfully requested.

**I. Status of the Claims**

Claims 1-6 are pending in the application.

Claims 1-5 have been rejected.

Claims 1 and 5 have been amended with no new matter added.

Claim 6 has been allowed.

**II. Rejection Under 35 U.S.C. § 102**

Claims 1-5 have been rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,668,521 to Oh ("Oh"). The Examiner states that Oh discloses a detachable device or frame member having all of the features of the claimed invention. Applicant respectfully traverses the Examiner's rejection.

As a first matter, Applicant has amended the claims for clarity, so that a refuse retrieval device is claimed, and not for purposes of making a patentable distinction. Presently known litter and refuse retrieval devices are typically long and bulky, and are therefore difficult to store and package for delivery to stores and consumers. Applicant's invention is directed to solving the problems associated with the presently known devices by creating a one-handed operating litter and refuse retrieval device that is strong and reliable yet also inexpensive to manufacture and package. This benefit is achieved by the inclusion of outer and inner frame members, each of which includes upper and lower portions. The upper and lower portions are detachably interconnected to each other through prongs. As a result, the overall length and size of the litter and refuse retrieval device, when not in operation, is greatly reduced. Applicant's improved litter and refuse retrieval device is thus more convenient to store, giving manufacturers and retailers the ability to save valuable storage

space. Additionally, the reduced non-operating size makes the improved litter and refuse retrieval device more convenient and less costly to ship to retailers and consumers.

Applicant submits that Oh does not disclose each and every feature of the claimed invention. The Oh reference is directed to a female electrical fuse assembly designed for connection into a fuse block having male terminal connections and the housing associated therewith. Specifically, Oh does not disclose interconnected frame members and specifically does not disclose an outer frame member having upper and lower portions. In fact, the Examiner has designated reference number 8 of Figure 4 of Oh as representing the outer frame member and the lower portion. However, the upper portion of the outer frame member consists of an entirely separate component (reference numbers 140, 200 & 300) of the fuse assembly. This is in complete contrast to Applicant's invention wherein the outer frame member includes therein both upper and lower portions.

In Figure 4 of Oh just mentioned above, the Examiner has stated that Oh discloses Applicant's prong component of the upper portion as bearing reference numerals 142 and 162. However, unlike Applicant's invention, upper portion prongs 142 and 162 of Oh cannot engage the prong receiving openings of the lower portion. In order for the prongs (142 & 162) of Oh to engage the prong receiving openings of the lower portion, and thereby interconnect the upper and lower portions, the upper portion (140) would have to be inverted. This would cause the Oh fuse assembly to not function properly, if at all. Thus, the prongs of Oh are not situated in such a position as to complete the engagement between the upper and lower portions.

Additionally, Oh does not disclose a frame including "a lower end adapted to include refuse retrieval means" and an inner control frame carried by the outer frame. Specifically regarding claim 5, Oh does not teach or suggest a refuse retrieval device having "retrieval scoop means connected to said refuse retrieval device." In fact, the Oh reference discloses a female fuse assembly that is non-analogous art to the refuse retrieval device claimed in the present Application. A person of ordinary skill in the art would not look to the Oh reference for making a refuse retrieval

device having detachably interconnecting frame portions that make a refuse retrieval device easy to operate, manufacture and ship.

Accordingly, Applicant respectfully requests that the above rejection be withdrawn and the claims passed to issue.

Claims 2-4 depend directly or indirectly from claim 1 and are allowable for at least the same reasons detailed above.

### **III. Acknowledgement of Allowable Subject Matter**

Applicant would like to thank the Examiner for the acknowledgement of allowable subject matter in claim 6.


### **CONCLUSION**

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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